

CHRISTINE H. LONG, CA STATE BAR NO. 199676
EILEEN P. KENNEDY, CA STATE BAR NO. 204646
BERLINER COHEN, LLP
TEN ALMADEN BOULEVARD
ELEVENTH FLOOR
SAN JOSE, CALIFORNIA 95113-2233
TELEPHONE: (408) 286-5800
FACSIMILE: (408) 998-5388
christine.long@berliner.com
eileen.kennedy@berliner.com

ATTORNEYS FOR DEFENDANTS BOBBY A. ALI; RICK
ALI¹; M1 COLLISION CARE CENTERS, INC.²; AUTOVEST
COLLISION REPAIRS, INC., DBA AUTOWEST COLLISION
REPAIRS, INC.; AND AW COLLISION OF SERRAMONTE³

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAFAEL SANDOVAL, LUIS MARTIN
CALIXTO, and ADRIAN RAMIREZ on
behalf of themselves, on behalf of all others
similarly situated and in the interest of the
general public,

Plaintiffs,

v.

BOBBY A. ALI; RICK ALI, M1 AUTO
COLLISIONS CENTERS, INC.; M1
COLLISION CARE CENTERS, INC.;
AUTOVEST COLLISION REPAIRS, INC.
aka AUTOWEST COLLISION REPAIRS,
INC.; and SERRAMONTE AUTO PLAZA
BODY SHOP, INC.,

Defendants.

CASE NO. CV 13-03230 EDL

DEFENDANTS POSITION STATEMENT
AND REQUEST FOR EXTENSION OF
TIME ON EXCHANGE OF DECLARATION
OF KOTAR DATA RECOVERY SYSTEMS

On or about February 16, 2016 the parties appeared before this Court on Plaintiffs' Motion to
Re-Open Discovery. At that hearing, the court instructed Defendants to obtain a declaration from

¹ Defendants Bobby Ali and Rick Ali were dismissed with prejudice in part by the Court's Order of 7/10/2014.

² Erroneously sued as "M1 Auto Collisions Centers, Inc."

³ Erroneously sued as "Serramonte Auto Plaza Body Shop, Inc."

Kotar Data Recovery Systems based on the questions and topics identified by Plaintiffs' counsel. At that time Defendants' counsel advised the Court and all parties that Defendants counsel was starting a large trial on February 22, 2016 and would be unavailable and as a result requested until February 26, 2016 to exchange the completed declaration. It was understood that Plaintiffs would promptly deliver their questions for Kotar to Defendants so that counsel could then work with Kotar during the week of February 16, 2016 and then if needed have evenings to finalize the declaration for submission during the week of February 22, 2016.

As of this filing, despite repeated requests, Plaintiffs' counsel has failed to provide any topics or questions for Kotar. Defendants counsel are otherwise unavailable until March 18, 2016 and therefore request that the Court grant them until March 30, 2016 to exchange such declaration. The trial at issue has been pending for over 5 years, involves dozens of witnesses, who are not native English speakers and as such requires the use of translators for witness preparation in the evenings and weekends. The Court does not observe regular "dark" days and runs for a full day of 8:30 – 4:45. Thus, it is impossible for Defendants counsel to now deal with this matter given the unreasonable delay of Plaintiffs' counsel.

DATED: FEBRUARY 25, 2016

BERLINER COHEN, LLP

BY: /s/CHRISTINE H. LONG

CHRISTINE H. LONG

EILEEN P. KENNEDY

ATTORNEYS FOR DEFENDANTS BOBBY A. ALI;
 RICK ALI; M1 COLLISION CARE CENTERS, INC.;
 AUTOVEST COLLISION REPAIRS, INC., DBA
 AUTOWEST COLLISION REPAIRS, INC.; AND AW
 COLLISION OF SERRAMONTE

